

DRAFT

A meeting of the New Hampshire Water Well Board was held on October 26, 2006 at 9:30 AM, in rooms 112 & 113, 29 Hazen Drive, Concord, NH, 03302.

Present were: Bart Cushing, Chairman  
Rene Pelletier, Secretary

Board members: Peter Caswell, Jeffrey Tasker, Christopher Covell, Thomas Garside, and David Wunsch

Staff: Rick Schofield, Genevieve Al-Egaily, and Yvette Meunier

Legal council for the Board: Attorney Anthony Blenkinsop

Chairman Cushing brought the meeting to order at 9:35 AM and introduced the Board and staff members.

**Approval of Minutes**

Mr. Caswell noted that he was in attendance at the August 24<sup>th</sup> meeting but wasn't listed in the Minutes. Upon motion by Mr. Covell and seconded by Mr. Garside, the Board unanimously voted to accept the Minutes of the August 24, 2006 meeting, as amended.

**Previous Complaints**

**Paul Comeau / Comac Pump & Well LLC**

Upon motion by Mr. Covell and seconded by Mr. Tasker the Board unanimously voted to withdraw the letter to Comac Pump & Well LLC dated September 5, 2006 which had been issued without authorization under the Board's rules.

The Board determined that since the letter to Comac Pump & Well had been withdrawn, the motion to dismiss submitted by Comac's Attorney, Mark Weaver, was moot.

Mr. Pelletier entered the meeting at 9:45 AM.

Mr. Schofield noted that Comac was credited for the amount of the fine issued by DES for the alleged construction violations related to the Comeau well and had preformed a supplemental environmental project (SEP) in Alstead.

Upon motion by Mr. Pelletier and seconded by Mr. Covell, the Board unanimously voted to schedule an administrative hearing to consider suspension or revocation of the license held by Comac Pump & Well for violations of the Board's well construction rules, for improperly sealing the well casing to the bedrock.

The Membership further reviewed the facts and issues associated with the complaint and determined that a letter should be sent to Downeast Drilling Company Inc. notifying them that a hearing will be held on the construction violations associated with the Comeau well, including the wiring violation.

**New Complaints**

John Paquette / Mark Morel

Mr. Schofield reported that a complaint had been received from John Paquette of Dalton against Mark Morel of North of the Notch Country Acres. Mr. Paquette has water rights to a dug well on Mr. Morel's property and he alleges that heavy equipment operating on Mr. Morel's property stopped the water flow to his house. Currently, Mr. Morel, a building contractor, is developing the property where the well is located.

The Board noted that the complaint had not alleged any violations of the Water Well Board Rules therefore the issue was a civil matter which did not fall within the Board's jurisdiction.

Upon motion made by Mr. Pelletier, and seconded by Mr. Covell, the Board unanimously voted to dismiss the complaint.

**Rules**Registration of Employees

Mr. Schofield stated that the Board had received a letter from Mr. Swain asking that they consider implementing an optional program that would help to document the experience of employees in the industry. Mr. Swain offered two approaches; one approach would be to have licensed water well contractors register their employee's and the second approach would be a tiered approach with apprentice, journeyman, and master driller levels.

Mr. Swain was invited to speak to the Board. Mr. Swain noted that the current system has no formal provisions to identify who is or is not qualified to sit for the licensing exam. He suggested that the Board appoint a committee to study the feasibility of establishing a registration program.

Upon motion by Mr. Wunsch, and seconded by Mr. Covell, the Board unanimously voted to assemble a committee to investigate a licensing structure that is reflective of increased responsibility and expertise.

The Board noted that the committee would not be limited to the members of the Board. Mr. Garside agreed to chair the committee and Mr. Covell, Mr. Swain, and Mr. Wunsch volunteered to act as members.

Mr. Garside left the meeting at 11:01 AM.

Additional Discussion on Rules

Mr. Schofield noted that he had incorporated into the rules the previously discussed changes and added two new substantive changes for the Board to review.

The Board moved the discussion of the definition of "competent bedrock" in We 101.08 Definitions to the next meeting.

The Board suggested adding language to We 302.04(c) Minimum Experience Requirement, to clarify the rule by including geology in addition to "Appalachian Region".

We 302.04 Minimum Experience Requirement (d) was added defining one year of experience as 1,600 hours.

The Board added “c.” to We 302.05 Proof of Experience (b) (1) and (2) stating that only one reference for an applicant’s water well contractor license can be from a co-worker or employee.

Additional language was added to We 602.01 Public Water Systems and We 602.05 Well Location (n) to reference both the current and successor (renumbered) rules of the Water Supply Engineering Bureau.

The Board discussed language changes to We 602.05 Well Location (e) to clarify the definition of “state highway rights-of-way”. The Board moved the discussion to the next meeting.

The Board discussed We 602.05 Well Location (j) dealing with site conditions which prevent compliance and the implications with filling out non-conforming well location forms which can allow a well to be placed too close to septic systems. Mr. Schofield requested the Board to define what prevents compliance, environmental factors, or convenience.

Mr. Covell requested that Mr. Schofield bring an example of a questionable non-conforming well location form to a meeting and the Board would take an in depth look at the issues.

The Board suggested additional language changes to We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock (b) (5) a. changing the term “Soft ledge” to “Soft bedrock”.

The Board added We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock (e) (4) establishing a minimum of 20 feet of casing to be installed in a well and (f) (2) setting a minimum of 10 feet of casing to be installed into competent bedrock.

The Board suggested additional language to We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock (i) to define the construction standards for discharge water lines to be installed to vent flowing artesian wells.

The Board suggested adding new language to We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock, (i) (3) which allows the end of the water line to terminate in a crushed stone bed defined as ¾ inch to 1½ inches of crushed stone.

The Board suggested adding new language to We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock (i) (4) to state that discharge water lines shall not terminate directly into any surface water of the state.

The Board add rule We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock (j) (2) a. to define the “8 inch hole” where grout material should be placed to prevent surface water from channeling along the well casing as a “pilot hole”.

The Board merged the language in We 604.05 Responsibility (c) and (d) stating that the licensed water well contractor shall be responsible for sealing a failed borehole, or an abandoned well, if

the cause for abandonment was the result of improper well construction within 12 months of the date of construction.

We 702.05 Mechanical Requirements (o) was added requiring hydro-pneumatic pressure tanks to be sized in accordance with the manufacturer's recommendation for minimum run time for the submersible pump assembly.

The Board added We 801.01 Required Information and Entry Format (a) (8) requiring that the depth to bedrock be recorded if encountered.

#### Dug Well Contractor Report and Rules

Mr. Schofield noted that dug wells were being constructed with materials that were not approved for well construction and that the Board may wish to include the approved materials in the Boards rules.

The Board added language to We 602.07 Standard Practice for the Construction of Shallow Wells in Unconsolidated Materials by Excavation (d) listing the only materials approved for the construction of dug wells specifically noting that all plastics must be NSF-PW certified. The Board also reviewing the number of dug wells reported since the programs inception in 1984, and concluded that the dug well contractors should be sent a courtesy reminder of the reporting requirement. The letter would also include a list of the materials approved for the construction of dug wells.

#### **Proposed Amendments to RSA 482-B**

##### Well Tags

Brandon Kernen was invited to speak to the Board. He noted that the Governor has appointed a groundwater commission to examine state groundwater issues such as withdrawals and management and a subcommittees has been formed to address several issues including well tagging. The subcommittee will draft legislation to propose to the commission, if approved by the commission there would be a need for a sponsor from a senator or a representative to bring it forth as a proposed bill. The subcommittee is examining how to track and identify wells, including wells exempt from legislation, to help examine the water well inventory, how to manage water use and water quality data, and how to determine the status of a wells activity, with the overall goal of enhancing management of water resources.

Mr. Covell requested that a member of the Board should be on the committee. Sarah Pillsbury explained that one must go through the legislature formally to get on the committee. Mr. Pelletier noted the Board could attend the meeting as a member of the public and suggested that the Board contact Senator Johnson and ask that he inform the Board on the meetings and acknowledge the Board's interest in participating in the meetings.

The following issues concerning the well tagging proposal were addressed: the accuracy of identifying wells using tags verses the precision of a GPS point, the potential misinterpretation by homeowners that the water quality is safe by virtue of the fact the well has a State tag attached, who is liable for the tag, and alternative ways of affixing tags to wells that do not conform with common well construction, such as monitoring wells.

Upon motion by Mr. Pelletier and seconded by Mr. Covell the Board unanimously voted to choose two members to represent the Board at the commission. Mr. Pelletier went on to nominate Mr. Garside and Mr. Cushing as being representatives to the commission.

### **Rules** continued

#### **Geo-exchange Wells**

Mr. Schofield reported that the annular space in the borings of geo-exchange wells are being filled with silica sand instead of thermally enhanced bentonite grout. This type of construction could result in surficial ground water contaminating the bedrock aquifers in closed loop geo-exchange wells. However, closed loop geo-exchange wells are not within the Board's jurisdiction. The Board suggested making a recommendation to DES to require the use of bentonite grout.

Mr. Pelletier suggested broadening the definition of a well and establishing guidelines for geothermal/geo-exchange wells. Mr. Covell commented that a borehole, which requires a casing, should fall under the Board's jurisdiction. In the case of geo-exchange wells, the casing should be secured to the bedrock to prevent contamination of the bedrock aquifer from surficial groundwater. The discussion of geo-exchange wells was moved to the next meeting.

Mr. Wunsch left the meeting

### **Licensing**

#### **New Applicants**

Mr. Schofield reported that there were no new applicants.

#### **License Numbers**

Mr. Schofield suggested issuing separate license numbers for employees, which would be linked to their employer's number by using suffixes. These linked license numbers could also be used if the Board adopted a tiered licensing program with different suffixes for the different level of expertise. The issue was tabled.

### **Old Business**

#### **New Wells for Operation Flood Recovery**

Mr. Schofield reported that two additional wells had been drilled for Operation Flood Recovery, one was drilled by Wragg Brothers Well Drilling Co. in Alstead on October 9, 2006, and the other by Comac Pump & Well LLC in Hinsdale on October 11, 2006, completing their Supplemental Environmental Projects and satisfying their agreements with DES. Mr. Schofield also noted that Skillings and Sons, and Capital Well Company each donated a well on October 9, 2006 for Alstead flood relief.

### **New Business**

#### **RSA 482-B:17 Exceptions**

Mr. Schofield reported that he had received a request for an interpretation of RSA 482-B:17 Exceptions as it applies to owners of a property where a community water supply is located

having the authority to replace or maintain a pump themselves, or employ a maintenance person, without a license. He requested the Board's interpretation of the statute.

The Board concurred that under these exceptions the statute appears to allow an unlicensed owner or owner's agent to perform work on a public water system. However, they decided to seek a legal opinion.

Upon motion by Mr. Covell and seconded by Mr. Pelletier the Board unanimously voted to request a legal opinion from Mr. Blenkinsop on this matter.

Upon motion by Mr. Covell and seconded by Mr. Pelletier, the Board unanimously voted to adjourn the meeting.